

SENTENCING COMMISSION MINUTES

Committee	Utah Sentencing Commission
Date	Wednesday, June 4, 2014
Time	Noon – 2 p.m.
Location	Utah State Capitol, Senate Caucus Room
Members Present	Patrick Anderson, Craig Barlow, Paul Boyden, David Brickey, Rollin Cook, Sen. Gene Davis, Judge Janice Frost, Jesse Gallegos, Ron Gordon, Rep. Richard Greenwood, Rachelle Hill, Judge Scott Johansen, Richard Mauro, Judge Gregory Orme, Chris Roach, Rep. Jennifer Seelig, Senator Dan Thatcher, Judge Vernice Trease, Pam Vickrey, Carlene Walker, Christina Zidow
Members Excused	Chief Craig Black, Darin Carver, Al Emery, Judge Thomas Low, Sheriff James Winder
Staff & Visitors	Staff: Jo Lynn Kruse, Dr. Ben Peterson, Jennifer Valencia Visitors: Susan Allred, Wade Farraway, Marina Lowe
Agenda Item	Approval of Minutes – Brief Update on Subcommittee Meetings
Notes	<p>Senator Davis made the motion to approve the April minutes. David Brickey seconded the motion which passed unanimously.</p> <p>Carlene Walker gave an update on the five subcommittees, their goals and their membership:</p> <p><u>Juvenile Subcommittee</u> Goals: to address the revision of the Juvenile Sentencing Guidelines and alternatives for sentencing youth offenders up to age 25 (including blended sentences and other alternatives). Members: Patrick Anderson, Paul Boyden, David Brickey, Darin Carver, Judge Frost, Reg Garff, Ron Gordon, Judge Johansen, Rich Mauro, Chris Roach, Jennifer Valencia, Pam Vickrey, Carlene Walker, Christina Zidow, Dawn-Marie Rubio, Krista Airam, Susan Burke. *Chris Roach chair</p> <p>Dr. David Dominguez, Professor at J. Reuben Clark Law School, presented on his ideas for an expungement matrix. The group talked about restoring funding to state supervision and Paul Boyden spoke about blended sentencing. No decisions have been made yet. An executive committee was created consisting of Jennifer Valencia, Chris Roach, Susan Burke, Krista Airam and Dawn-Marie Rubio to begin drafting revisions to the juvenile guidelines.</p> <p><u>Justice Courts Subcommittee</u> Goals: to address the incorporation of evidence-based practices and/or best practices in the justice courts and the accreditation and/or licensing requirements for treatment providers operating with justice courts. Members: Judge Dame, Mary Lou Emerson, Judge Fuchs, Ron Gordon, Rachelle Hill, Brent Kelsey, Judge Marx, Rich Mauro, Judge McCullough, Judge Dame, Judge Orme, Jenn Oxborrow, Valerie Paul, Reuben Renstrom, Rick Schwermer, Senator Thatcher, Jennifer Valencia, Carlene Walker, and David Walsh. *Senator Thatcher and Judge McCullough co-chairs.</p> <p>Senator Thatcher voiced concerns about the exception for DV providers which is intended for rural providers and is more the rule than the exception, even along the Wasatch Front. Senator Thatcher also voiced concerns about “sole-sourcing” both in DV and SA providers in justice court. Court should be able to rely on an assessment and the proscribed treatment should be possible at more providers than just the one doing the assessment. There should be a way to get a list of approved providers to both defendants and judges which is based on use of evidence based practices. How do we devise a way to get providers accredited and also how do judges know which treatments are the best? Judges are asking for some sort of state certification or accreditation they can rely on. The subcommittee hopes to make a list for both defendants and judges and to work with DHS in determining what changes they can make by rule and what changes are needed to statute.</p> <p><u>Anomalies Subcommittee</u> Goals: to address statutory changes, both anomalies as well as statutory changes needed to address evidence based practices in sentencing. Potential issues to be addressed include: double enhancements, drug free zones, stolen property database, human trafficking amendments, rape kit processing issues, and collateral consequences of convictions. Members: Patrick Anderson, Paul Boyden, Jesse Gallegos, Ron Gordon, James Swink, Senator Thatcher, Jennifer Valencia, and Carlene Walker. *Paul Boyden & Patrick Anderson co-chairs</p> <p>Senator Hillyard wants to look at adopting the Uniform Laws Collateral Consequences of Convictions Act. Subcommittee has identified a number of obstacles to implementation of the Uniform Law, but will begin looking at alternative methods of addressing the issue.</p>

	<p><u>Guidelines Subcommittee</u> Goals: to address revision of the Sentencing Guidelines' philosophical approach, the incorporation of evidence-based practices into the Guidelines, and to incorporate recent legislative amendments. Members: Darin Carver, Rollin Cook, Jesse Gallegos, Ron Gordon, Rich Mauro, Carlene Walker, Christina Zidow. *Jesse Gallegos chair</p> <p>Revisions to 2014 Guidelines have been addressed and will be discussed later today and will be published in July. Discussion of revisions to 2015 Guidelines, which will incorporate PEW/JRI recommendations, will begin at the next meeting.</p> <p><u>AP&P Guidelines/Matrix Working Group</u> Goals: to develop a Guideline and/or Matrix for use by AP&P in order to implement an evidence-based approach to probation violations, rewards, and sanctions. Members: Ron Gordon, Clark Harms, Audrey Hickert, Judge Low, Judge Maughan, Geri Miller-Fox, Debra Moore, Ben Peterson, Christina Zidow. *Geri Miller-Fox & Debra Moore chairs</p> <p>This subcommittee has not met as a full subcommittee since the last meeting. There have been three meetings with the Executive Committee to figure out what the matrix should look like. The U of U CJC identified 37 different states with varying matrices/procedures which are being looked at carefully. In particular, the Travis County, Texas Rewards/Sanctions Matrix appears promising. There will likely be one more executive committee meeting before the full subcommittee meets. Progress is being made. Jennifer can send updates to anyone that is interested or anyone who would like to see the different matrices being discussed. All members are invited to these meetings so feel free to attend any or all that you wish.</p>
Agenda Item	Update on PEW Public Safety Performance Project (tape 13:15)
Notes	<p>Ron Gordon provided an update on the status of the PEW project. We have entered into an agreement with the PEW Charitable Trusts to provide assistance to the State of Utah as we look at criminal justice reform. The next meeting with PEW will be on June 12, from noon to 3pm. After that we can begin to identify broad categories of reforms. Work will continue into September and a presentation will be made in October where a vote will be taken. Then we will take our final report to Legislative Interim.</p>
Agenda Item	Takeaways from the ARK Presentation (tape 16:00)
Notes	<p>Jennifer presented on the incorporation of the DOC data from our Annual Meeting, the PEW Data from the initial meeting, and the ARK Presentation by Dr. Marlowe. Jennifer noted that Utah is ahead of other states in regard to obtaining comprehensive data and research thanks to DOC, CCJJ, AOC, and the U of U CJC. PEW will help obtain further detail from the data and help explain how various sentencing policies have impacted the data. The data will be used at the policy level (top down) to the implementation level (bottom up).</p> <p>Our prison population is steadily growing (22% in the last decade) and is approaching capacity. Prison population is projected to grow 37% in the next 20 years. PEW data shows that our state population growth and reported crime rates do not appear to correlate with prison population growth rates. Sixty seven percent of all admissions to prison are AP&P revocations. Probation revocation is up 62% since 2004. It is clear that we need to differentiate between technical and criminal violations both at AP&P level as well as court level.</p> <p>Length of stay is up for all crimes, including most non-violent crimes. At a cost of \$27,000/year to house a prisoner, is there a better use of resources for non-violent offenders? This is a question we have been struggling to answer for years. Much research has developed over the past 20 years and continues to develop. The ARK (Annals of Research and Knowledge) attempts to bring that information together.</p> <p>While behavioral psychology is not new, it is new and unfamiliar to sentencing. Working within a criminal treatment model is also new and unfamiliar for most treatment providers. In the end, sentencing and treatment working together is more effective at behavioral change. Behavioral change is secondary to the prison/incarceration decision. We are not taking that decision away, but instead interested in providing a more structured approach if behavioral change is the goal. There must be licensing changes for treatment providers to address criminogenic needs (approved providers, establish standard of care, performance built into contracts, not just stating they are using 'Evidence Based Practices').</p> <p>The ARK is a resource to identify programs, research, interventions, etc. for each level of risk and need at each stage within the criminal justice system. Looking at the Quadrant model applied at each intercept, it is easy to visually see where we are currently lacking in programs and why not all programs work as effectively for all offenders. There are many potential areas of concern and areas for reform. The Sentencing Commission will work collaboratively with CCJJ and PEW to identify reforms for the next legislative session.</p>
Agenda Item	Proposed Revisions to Sentencing Guidelines for July 2014 Publication (tape 1:11)
Notes	Jennifer detailed revisions to the 2014 Adult Sentencing & Release Guidelines. On page three, Ron Gordon noted

	that we should remove the words “through random assignment” from the first paragraph. Senator Thatcher made the motion to approve all the changes and updates. Craig Barlow seconded the motion which passed unanimously .
Next Meeting	The next meeting will be on August 6, 2014, Utah State Capitol Bldg, Senate Caucus Room

Minutes prepared by Jo Lynn Kruse – Administrative Assistant, CCJJ